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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,519	02/06/2002	Eric Verschueren	215293	9518

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EXAMINER

FUNK, STEPHEN R

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,519

Applicant(s)

VERSCHUEREN ET AL.

Examiner

Stephen R Funk

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2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The disclosure is objected to because of the following informalities: In paragraph [0009] the references to particular claim numbers should be omitted as they may not correspond to the claim numbers of any patent that may issue from this application. In paragraph [0030] line 5 "lasers", second occurrence, should be singular. Appropriate correction is required.

Claims 1 - 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 there is no method step recited. It is not clear what the method comprises. (For purposes of facilitating examination, the preamble of the claim will be interpreted as requiring the ink accepting areas to be removed by laser ablation.)

In claim 2 step (f) the recitation of repeating step (a) of providing a substrate would not appear to reuse the substrate. In other words, there should only be one recitation of providing a substrate since the original substrate is reused.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 3, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. (EP 770,497) in view of Love (US 4,718,340). Vermeersch et al. teach the method as recited with exception of removing the ink accepting areas by laser ablation. Note the

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substrate comprising a crosslinked hydrophilic binder (column 5 line 22 - column 6 line 20) and a metal oxide (column 6 lines 21 - 39), an imaging material layer comprising hydrophobic thermoplastic polymer particles (column 7 line 8 - column 8 line 16), and making a printing master by image-wise exposure to heat or light (column 9 lines 15 - 37) of Vermeersch et al. Love teaches the desirability of removing the ink accepting areas on a hydrophilic substrate by laser ablation and reusing the substrate. See column 3 lines 40 - 47, column 13 lines 20 - 52, the paragraph bridging columns 14 and 15, and column 16 lines 16 - 47 of Love. It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al. with the step of removing the ink accepting areas by laser ablation in view of Love so as to save costs by reusing the substrate. With respect to claim 7 see column 6 line 34 of Vermeersch et al. With respect to claims 9 and 10 see column 5 lines 34 - 38 of Vermeersch et al.

Claims 4 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. in view of Love as applied to the claims above, and further in view of Lewis (US 5,704,291). Love does not teach a vacuum device or the type of laser for ablating the ink accepting areas. Lewis teaches the conventionality of providing a vacuum device (column 7 lines 59 - 67) and an infrared pulsed laser (column 2 lines 10 - 29) when ablating ink accepting areas. It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al., as modified by Love, with a vacuum device and an infrared pulsed laser in view of Lewis so as to prevent debris from interfering with the laser beams and providing efficient ablation of the ink accepting areas, respectively.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. and Love as applied to claims 1 - 3, 7, 9, and 10 above, and further in view of Kita et al. (EP 1,072,402). Vermeersch et al. do not teach that the base layer further comprises a hydroxide of the metal. Kita et al. teach a crosslinked hydrophilic comprising an oxide or hydroxide of titanium. See page 14 lines 50 - 55 of Kita et al., for example. It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al., as modified by Love, with an oxide and hydroxide of the metal in view of Kita et al. teaching that the layer may contain a complex of two or more of these agents.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the ink removing method of Meisters et al.

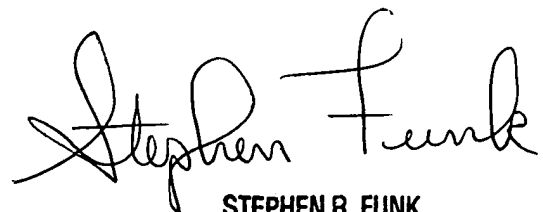
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk  
June 17, 2003



STEPHEN R. FUNK  
PRIMARY EXAMINER